

STATE OF TENNESSEE

Office of the Attorney General



REC'D TN
REGULATORY AUTH.

'02 JUN 26 PM 2 50

OFFICE OF THE

PAUL G. SUMMERS
ATTORNEY GENERAL AND REPORTER

EXECUTIVE SECRETARY

ANDY D. BENNETT
CHIEF DEPUTY ATTORNEY GENERAL

LUCY HONEY HAYNES
ASSOCIATE CHIEF DEPUTY
ATTORNEY GENERAL

MICHAEL E. MOORE
SOLICITOR GENERAL

425 FIFTH AVENUE NORTH
NASHVILLE, TN 37243-0485

TELEPHONE (615) 741-3491
FACSIMILE (615) 741-2009

Reply to:
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

June 26, 2002

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

RE: IN RE: UNITED CITIES GAS COMPANY, a Division of ATMOS ENERGY
CORPORATION INCENTIVE PLAN ACCOUNT (IPA) AUDIT
Docket No.: 01-00704

Dear Mr. Waddell:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's Motion to Leave the Record Open for filing in the above referenced docket. Please be advised that we have served copies on the parties of record in this proceeding. If you have any questions, kindly contact me at (615) 532-3382. Thank you.

Sincerely,

Shilina B. Chatterjee
Assistant Attorney General

Enclosures

56244

PCPD
6/27/02

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

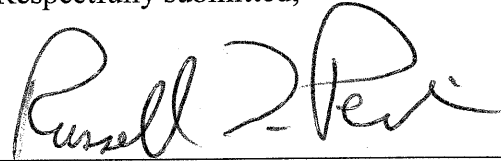
IN RE: AUDIT OF UNITED CITIES) DOCKET NO. 01-00704
GAS COMPANY'S INCENTIVE PLAN)
ACCOUNT (IPA) FOR THE PERIOD OF)
APRIL 1, 2000 THROUGH MARCH 31,)
2001)

**THE CONSUMER ADVOCATE AND PROTECTION DIVISION'S
MOTION TO LEAVE THE RECORD OPEN**

The Tennessee Attorney General, through the Consumer Advocate and Protection Division ("Attorney General") moves the Tennessee Regulatory Authority ("Authority") to leave the record open for the testimony of Dan McCormac and for the introduction of any exhibits that may be relevant to his testimony. This motion is filed as a precautionary measure to take into account that the Authority may deny United Cities Gas' ("UCG") pending motion to exclude Mr. McCormac's testimony. UCG notified the parties on or about May 7, 2002 that it objected to Mr. McCormac participating as a witness in the hearing previously set for May 20, 2002 in this matter. On the afternoon of May 14, 2002, UCG moved to exclude Mr. McCormac's testimony. As a result of the foregoing, the Attorney General has not contacted Mr. McCormac to confer with him about his potential testimony. If the Authority denies UCG's motion to exclude, the Attorney General (and possibly Mr. McCormac) will be prejudiced if it has to hurriedly prepare him to testify. This is especially true given that UCG's motion is in the nature of a motion in limine and such motions are usually considered after the hearing at issue commences.

The Consumer Advocate and Protection Division, therefore, is simply requesting that the record be left open for Mr. McCormac's testimony and for any exhibits relevant to his testimony.

Respectfully submitted,



RUSSELL T. PERKINS, B.P.R. #10282
Deputy Attorney General



TIMOTHY C. PHILLIPS, B.P.R. #12751
Assistant Attorney General



SHILINA B. CHATTERJEE, B.P.R. #20689
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202
(615) 532-3382

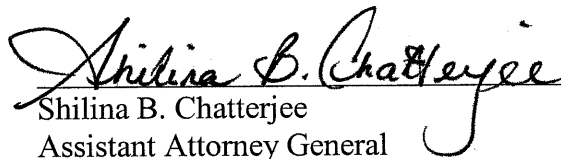
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via facsimile and U.S. Mail on June 26, 2002.

Richard Collier, Esq.
General Counsel
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505
Facsimile (615) 741-5015

Jonathon Wike, Esq.
General Counsel
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505
Facsimile (615) 741-5015

Joe A. Conner, Esq.
Baker, Donelson, Bearman & Caldwell
1800 Republic Centre
633 Chestnut Street
Chattanooga, Tennessee 37450-1800
Facsimile (423) 752-4410


Shilina B. Chatterjee
Assistant Attorney General